



Jail Population Management Subcommittee
of the Sanford “Sandy” Krasnoff Criminal Justice Council

January 22, 2018



Jail Population Trends

1,427

Average daily population
in December

- 5.9%

Lower than
January 2017

1,461

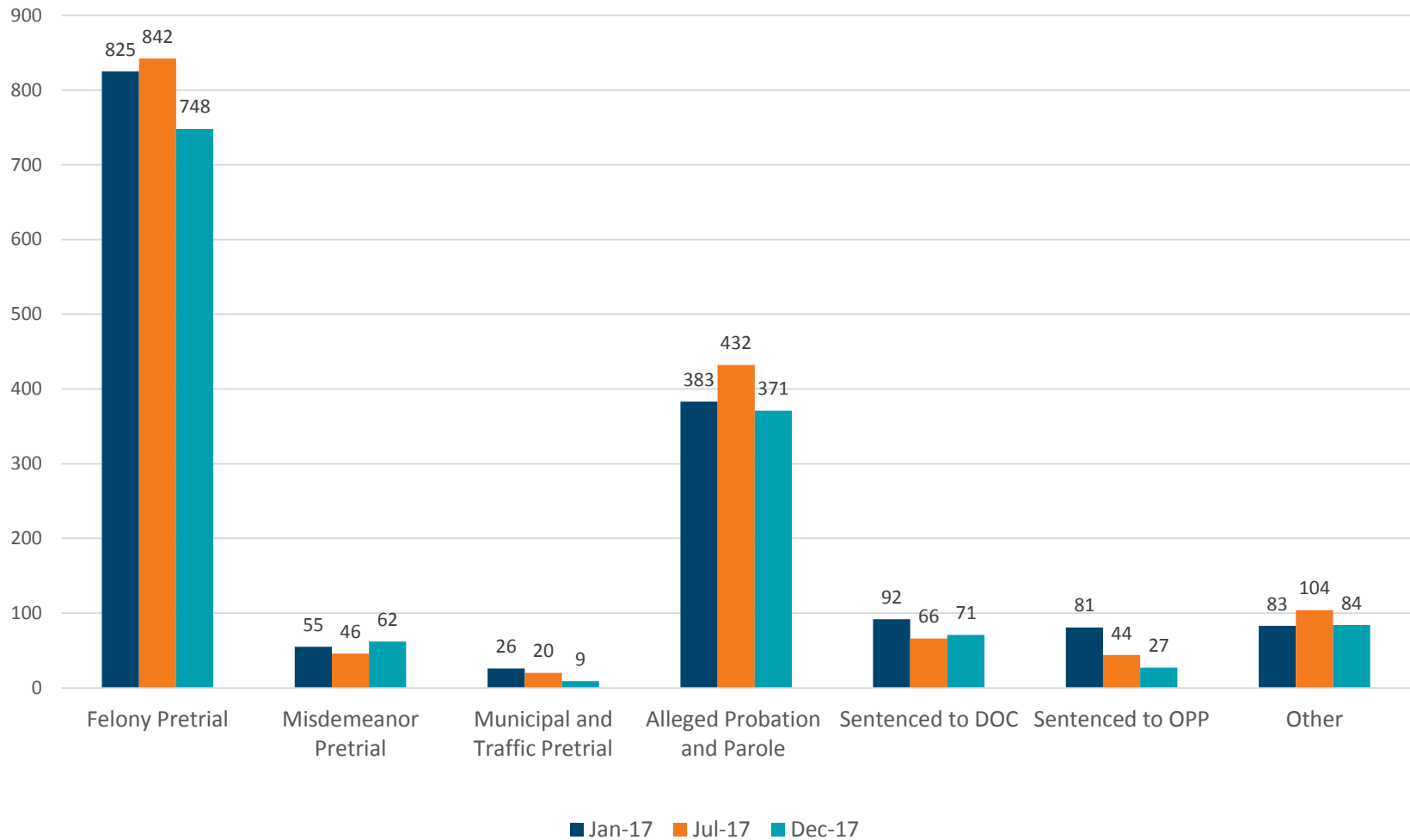
Today's ADP

1,277

2019 Safety & Justice
Challenge target

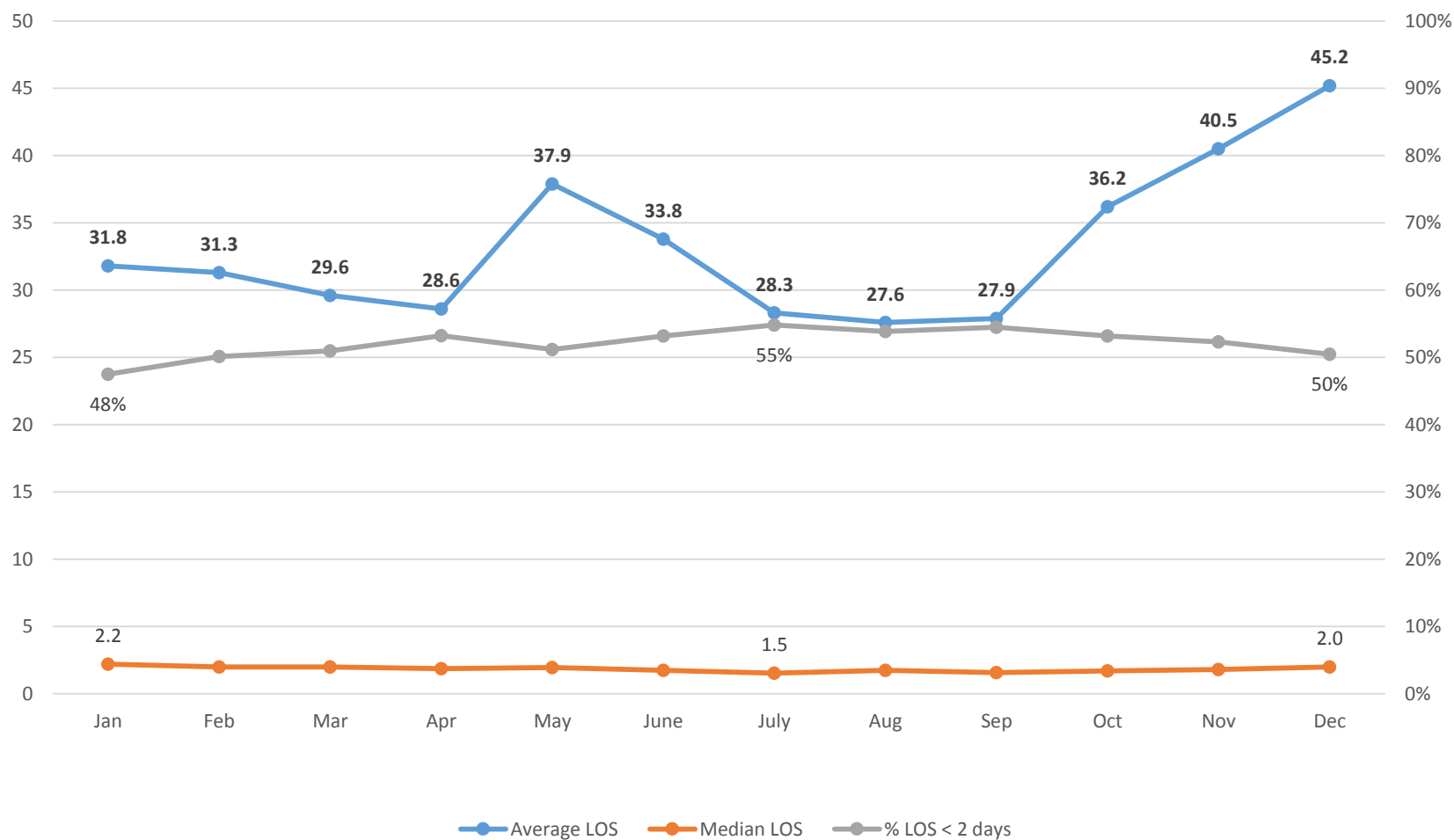


Jail Population Snapshots



Length of Stay

2017 Average LOS



Initiative Highlights

Pre-Booking Deflection

Partners: NOPD, NOHD, Vera, MHSD, Women with a Vision, OPD, City Attorney, Probation and Parole, City Council

Goal: Redirect people at risk for arrest because of mental illness, addiction, or trauma away from the jail and toward community-based treatment and services.

2017 Accomplishments

- Brought 12 criminal justice leaders to Seattle
- Hired an experienced case manager
- Trained 57 officers in the 8th District
- Wrote and secured DOJ approval for a policy
- Raised an additional \$60,000 in private grants
- Secured space for bio psychosocial evaluations
- Launched officer referrals

Challenges

- Limited capacity to meet officers on-scene in a timely manner
- Too few resources for people living with addiction, mental illness, and/or homelessness

Impact

From preliminary work on prostitution:

- 95% reduction of prostitution cases going to CDC
- 62% reduction in the average length of stay for persons facing prostitution charges
- 42% reduction in overall prostitution arrests

Core measures (data to come upon launch of program):

- # of people who complete a biopsychosocial evaluation within 30 days
- % diverted out of all arrested on eligible charges

What's next?

- Release policy department-wide
- Launch arrest diversion
- Develop a funding plan to sustain and expand case management

Orleans Public Defenders at First Appearance (OPDFA)

Partners: OPD

Goal: To build strong pretrial release advocacy from first appearance through arraignment as a core function of public defense, ultimately to support release of persons who are likely to succeed pretrial.

2017 Accomplishments

- Hired two full-time attorneys to work exclusively on the OPDFA Project
- OPD added value by providing a dedicated supervisor and additional client advocate resources
- Developed improved advocacy practices
 - Doubled up efforts for improved pre-FA investigation
 - Low-risk clients are identified for advocacy by OPDFA attorneys; includes moving for ROR releases at every FA with low risk clients

Challenges

- Further cultural shift needed to where the role of the defender is seen as vital
- Logistical impediments to effective representation, such as time to speak with clients before appearance
- First Appearance advocacy continues to be challenged in M1. Judge Harry Cantrell refuses to allow early interviewing and limits OPDFA staff interviews generally.

Impact

- In October 2017, attorneys handled 153 low risk clients, securing ROR on 76 felony clients
- Release of Risk Level I and II (Low and Low-Moderate) defendants:
 - % released within 3 days
 - 48.7% increase (36.7% to 56%)
 - % released between 4-7 days:
 - 17% increase (7.6% to 8.8%)

**baseline: 2015 average*

What's next?

- Maximize the use of the client advocates in support of the dedicated attorneys
- Plan towards a long-term goal of continuity of representation, including strong early release advocacy

Seven-Day Bond Review Institutionalization

Partners: OPD, CDC, DA, OPSO

Goal: Ensure that low- and low-moderate risk defendants are not detained because of inability to pay bail.

2017 Accomplishments

- CDC promulgated an order directing adherence to the initiative's guidelines, applicable to all sections of Magistrate Court
- Order applied by commissioners in Magistrate court
- OPD filed for most eligible clients without OPDA objecting on procedural grounds

Impact

- 44% increase in bond reviews for eligible population (23.6% to 33.9%)
- 5% decrease in % of bond reviews that resulted in lowered bail or ROR
 - From Q3 to Q4 2017 rate nearly doubled
- 2-day increase in the average # days between first appearance and bond review

**baseline: 2016 average*

Challenges

- Reviews are not being calendared for the seventh day after first appearance in some sections of Magistrate Court
- Pretrial advocacy continues to be challenged in M1

What's next?

- Maximize the percentage of eligible defendants for whom a bond review motion is filed for timely review
- Ensure conflict attorneys file and advocate for release on the seventh day

Risk Assessment Tool

Partners: LASC, CDC, Pretrial Services, OPDA, OPD, Baptist Community Ministries, Foundation for Louisiana

Goal: Implement the Arnold Foundation's Public Safety Assessment (PSA) and create guidelines for use of risk information to assist Judges in making risk-based release decisions consistent with best practices; overcome remaining resistance to using a risk-based approach to make release decisions.

Background

New Orleans has operated a Pretrial Services program since 2012; main roles:

- perform risk assessment
- make risk information available to the Court
- provide pretrial supervision recommendations and services

In 2016, New Orleans was selected by the Arnold Foundation to implement the PSA model.

- PSA will replace current risk assessment tool
- Additional recommendations will be collaboratively developed to supplement the risk score

Public Safety Assessment – Measure Risk

- Risk assessment tool developed by the Laura and John Arnold Foundation
- Uses evidence-based, neutral information to predict:
 - New Criminal Activity (NCA)
 - New Violent Criminal Activity (NVCA)
 - Failure to Appear (FTA)

Decision Making Framework – Manage Risk

- Creates a tiered set of release decision recommendations based on:
 - PSA results (NCA scale, FTA scale, NVCA flag)
 - Current charge
 - Local resources

Risk Assessment Tool Cont'd

2017 Accomplishments

- Held a PSA stakeholder launch/orientation
- Launched Implementation Team and working groups
 - Defining violent crime
 - Decision about interview component
 - Decision Making Framework

Challenges

- The process to initiate the Implementation Team and technical assistance from the Arnold Foundation was slow to start, but now the team is moving quickly

Impact

Core measures:

- Percentage of assessed defendants released within three days
- “Concurrence Rate”: correlation of what the Decision-Making Framework recommends and what the Court orders

What's Next?

- Determine and define risk factors for assessment
- Create DMF (customized risk groups and local resources)
- Integration of PSA information into data systems for operation and outcome reporting uses
- Ongoing monitoring and evaluation, case reviews, and audits

Expand CDC's Use of RORs

Partners: CDC, OPD, OPDA, PTS

Goal: Increase the use of RORs in Magistrate Court for lower risk defendants whose charges are statutorily eligible. Increase the use of nominal bonds for defendants who are lower risk, but ineligible for a ROR.

2017 Accomplishments

- Piloted the ROR Expansion initiative in one section of Magistrate Court (May)
- RORs in pilot section nearly doubled for eligible defendants, while average length of stay in jail also decreased
- The pilot was expanded to three additional sections of Magistrate Court in October (M2-M5)
- Failure to appear and re-arrest rates did not increase significantly under the pilot

Challenges

- ROR'd defendants who were assessed additional conditions had significantly higher failure to appear rates than defendants ROR'd without conditions
- The initiative was not expanded to section M1

Impact

- 44.5% increase in ROR rate for eligible defendants (28.5% to 46%)
- 2-day decrease in LOS for lower-risk defendants with ROR eligible charges

**baseline: 2015 average*

What's next?

- Track pilot results and troubleshoot any issues
- Continue to increase the use of RORs and limit conditions placed on lower-risk defendants

Probation and Parole Detention Guidelines and Violation Process

Partners: Probation and Parole, CDC, OPSO

Goal: Decrease the number of probationers/parolees who are held on a detainer pending revocation proceedings by encouraging discretion in filing detention paperwork when probationers/parolees are arrested on a new charge.

2017 Accomplishments

- P&P no longer files detainers for parolees arrested on certain new charges unless exigent circumstances warrant it
- OPSO no longer places “holds” on probationers and parolees arrested for new charges, unless P&P files a detainer
- A data dashboard was created to track and monitor P&P detention data

Impact

- ADP alleged probation and parole violators
 - 2016: 382 ; 2017: 440
 - December represents lowest ADP of 2017 (371)
- Avg. LOS for probation/parole violators
 - 2016: 98 days; 2017: 102 days
- % alleged probation/parole violators detained through disposition
 - 2016: 78.8%; 2017: 87.6%

** 2017 data excludes Q4*

Challenges

- JRI implementation required agency-level changes, including a large increase in releases, closures, and major investigations, which have put enormous strains on P&P staff in New Orleans
- P&P was without a physical office for much of 2017.

What's next?

- Expand data dashboard to reflect changes in P&P policy
- Continue to increase collaboration between P&P, the City, and CDC.

10-day Detention Hearings

Partners: CDC, Probation and Parole, OPDA, OPD, OPSO

Goal: Create a court hearing within 10 days of a probationer's arrest for a new charge to provide judges with an opportunity to consider release pending "rule to show cause" proceedings. This is expected to reduce the number of probationers held on a detainer.

2017 Accomplishments

- Judge Buras convened stakeholders to develop a process to schedule the hearings
- Judge Buras started piloting the process in Section H in July
- Judge Flemings-Davillier and Judge Williams joined the pilot for Sections B and G in November

Challenges

- Filed arrest on capias notification is often delayed which can push back the 10-day detention hearings

Impact

July - December data:

- 81% of active probation cases had a hearing set (FAOCN or 10-day)
- Hearing results
 - Detention: 67%
 - Bond: 5%
 - ROR/Release/no hold: 29%

What's next?

- Track pilot results and troubleshoot any issues
- Expand the practice to the rest of Criminal District Court

Justice System Administrator (JSA)

Partners: OPSO, Probation and Parole, CDC , Clerk of Court, OPD

Goal: Create a senior position within OPSO to help reduce the jail population by expediting release for defendants who are lower risk or otherwise would be better served in the community and addressing process issues and delays to reduce length of stay.

2017 Accomplishments

- Hired Virginia Ryan as JSA
- Expedited processes to decrease length of stay in jail (transport to DOC, P/P holds, release to hospitals or community providers)

Impact

Core measures:

- ADP of defendants with multiple matters
- Average LOS of defendants with multiple matters

Challenges

- Competing priorities may lead to JSA being spread too thin
- Implementation of the new jail management system will require adjustments and could delay the JSA's work

What's next?

- Create policy to fast-track municipal defendants on ROR-able offenses
- Improve OPSO process for filed arrest on capias notification (FAOCN)

OJC Release Analysis

Partners: JFA Institute, OPSO

Goal: Identify factors contributing to delays in the release process and propose solutions to address these factors and minimize associated delays.

Background

- Inmate release process is initiated by:
 - court order
 - payment of bail at OJC
 - directive from the DOC
- Admissions and releases
 - 17,000 per year
 - 326 per week
 - 47 per day

Analysis

- 1.5 day study
- Considered:
 - processing of release paperwork in the Records Room
 - observations of first appearances (bond setting & probable cause hearing) in Municipal and Traffic Court
 - arraignments in Criminal District Court

Results

JFA identified 4 main delays and made 6 recommendations

1. Incomplete ROR bond forms
2. Modify municipal and traffic court release order
3. Other warrants and holds
4. Paperwork and transfer to DOC

OJC Release Analysis Cont'd

Recommendations

1. ROR orders to include case-specific information
2. Modify municipal and traffic court release order
3. Create validation loop on withdrawn charges
4. Transmit DOC sentencing orders electronically
5. Transmit court orders and list electronically
6. Electronically send list of release defendants to authority

Community Advisory Group

Partner: Baptist Community Ministries

Goal: Provide support to SJC initiatives and the JPM Subcommittee in implementing the plan to reduce the jail population; Monitor SJC plan implementation to ensure accountability and continued community input.

2017 Accomplishments

- Established CAG Organization Structure
 - 2 Co-Chairs, 3 JPM Subcommittee Members, 4 workgroups
- Selected 3 CAG members to sit on the JPM Subcommittee
 - Generated discussions re: law enforcement policy and practices



Impact

- Functional CAG
- Improved communication
- Community representation
- Initiate and provide additional input in JPM Subcommittee Meeting discussions

Challenges

- Continued financial support for SJC not guaranteed
- Community involvement and education
- Current Statutes and Policies

What's next?

- Continued accountability of JPM, law enforcement and judicial partners to complete initiatives
- Continue to foster relationships with the public, JPM, law enforcement and elected officials

Court Date Notification System

Partners: CDC, Municipal and Traffic Court, NOPJF, OPSO, OPD

Goal: Develop custom application to send SMS text notifications to defendants before scheduled hearings and after failure to appear; Push court events and Orleans Parish Justice Center custody status data to a database connected to the Orleans Public Defenders Case Management System on a daily basis.

How it works

Application will store cell phone numbers for each defendant who agrees to receive text notifications

- Phone numbers and notification permissions will be retrieved from defenderData and the Municipal Court CMS
- Defendants can opt to stop receiving further text messages by replying “STOP” to any system-generated message
- System administrators will have the ability to:
 - modify notification rule parameters (# of notifications per event and duration of time before event)
 - customize the standard text notification message via an administrator interface
- System will track the delivery of messages and generate an automatic daily report of delivery statuses
- Application will stop delivering text messages to a number and flag it as invalid after three instances of unsuccessful delivery
- Inmates in the custody of the Orleans Justice Center will not receive text notifications (notifications will resume upon release)

2017 Updates

- Data tables completed
- Contract issues have significantly delayed implementation

What's next?

- Modify professional services language and route contract for Mayor's signature (4wks)
- Develop application & integrate with City's SMS service (Nexmo) (9 wks)

Indigency Assessment at Sentencing

Partners: CDC

Goal: Create a tool to guide the court's assessment of a defendant's ability to pay and scale fines and fees accordingly at the time of sentencing. Use of such a tool is expected to reduce failures to appear for payment and associated arrest warrants.

2017 Accomplishments

- Developed a form to guide the court's ability to pay assessment at sentencing
- Initial conversations with Criminal District Court judges about piloting the tool in 1-2 sections

Challenges

- Plans to pilot the form in 1-2 sections of Criminal District Court did not materialize
- New state law is imposing a deadline of August 1st for creating ability to pay proceedings

Impact

Core measures:

- Compliance rate (% of court decisions in line with guidelines)
- Average amount of fines and fees assessed (CDC)
- Average LOS for bookings with capias related to failure to pay

What's next?

- Implement form in all sections by August 1st
- Create a Bench Card to track the requirements of new state law